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Signature

July 18, 2007
Date of Signature

PATENT
Case No. AUS920010540US1
(9000/51)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re patent application of:)	
)	
CARL P. GUSLER, ET. AL.)	Examiner: JACOBS, LASHONDA
)	
Serial No.: 09/935,396)	
)	Group Art Unit: 2157
Filed: AUGUST 23, 2001)	
)	Conf. No. 9829
Title: METHOD AND SYSTEM FOR)	
AUTOMATED PROJECT)	
ACCOUNTABILITY)	

APPEAL BRIEF

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Appellants herewith respectfully present their appeal brief as follows:

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I. REAL PARTY IN INTEREST

The real party in interest remains Assignee INTERNATIONAL BUSINESS
MACHINES CORPORATION.

2. RELATED APPEALS AND INTERFERENCES

Appellants and the undersigned attorneys are not aware of any appeals or any interferences which will directly affect or be directly affected by or having a bearing on the Board's decision in the pending appeal.

3. STATUS OF CLAIMS

Claims 1-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Frye*, United States Patent Publication 2001/0032105 in view of *Helzerman*, United States Patent 6,901,372. Claims 1-22 are the claims on appeal. *See*, Appendix.

4. STATUS OF AMENDMENTS

The claims have not been amended, and therefore no claim amendments have been entered.

5. SUMMARY OF CLAIMED SUBJECT MATTER

In this summary of claimed subject matter, all citations are to the specification of United States Patent Application 09/935,396 filed on August 23, 2001. Further, all citations are illustrative only and support for the cited element may be found elsewhere in the specification.

The invention describes a method for automated project accountability. The method includes determining 220 at least one decision maker of a project preparation and determining 230 a readiness category for the decision maker. The method further includes providing 230 a readiness category rating for the readiness category; determining 240 a decision process for the readiness category and readiness category rating, and conducting 260 a project assessment as a function of the decision process. Additionally, the method includes determining 270 a project readiness as a function of the project assessments. See, e.g., FIG. 2 (below). See also, pages 6 line 4- page 12 line 14 of the specification.

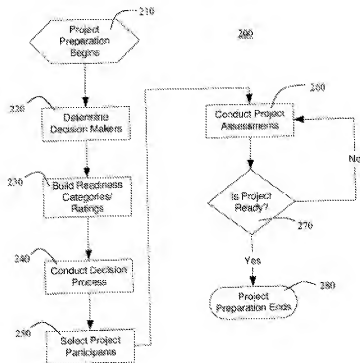


FIG. 2

In one embodiment of the invention, the method further includes assigning vote weighting 240 to the decision maker (p. 7, lines 11-18).

Independent Claim 1:

In particular, claim 1 recites a method for automated project accountability that includes determining 220 at least one decision maker of a project preparation, determining 230 a readiness category for the decision maker, and providing 230 a readiness category rating for the readiness category. Further, the method recited in claim 1 requires determining a decision process for the readiness category and readiness category rating, conducting 260 a project assessment as a function of the decision process, and determining 270 a project readiness as a function of the project assessments. (FIG. 2). See also, pages 6 line 4- page 12 line 14 of the specification.

Dependent Claim 2

Claim 2 recites the elements of claim 1, as well as assigning 240 vote weighting to the decision maker. (FIG. 2). See also, pages 6 line 4- page 12 line 14 of the specification.

Independent Claim 9:

In particular, claim 9 recites a system for automated project accountability that includes means for determining 220 at least one decision maker of a project preparation, means for determining 230 a readiness category for the decision maker, and means for providing 230 a readiness category rating for the readiness category. Further, the system recited in claim 9 recites means for determining a decision process for the readiness category and readiness category rating, means for conducting 260 a project assessment as a function of the decision process, and means for determining 270 a project readiness as a function of the project assessments. (FIG. 2). See also, pages 6 line 4- page 12 line 14 of the specification.

Dependent Claim 10

Claim 10 recites the elements of claim 9, as well as means for assigning 240 vote weighting to the decision maker. (FIG. 2). See also, pages 6 line 4- page 12 line 14 of the specification.

Independent Claim 16:

In particular, claim 16 recites a computer readable medium storing a computer program that includes computer readable code for determining 220 at least one decision maker of a project preparation, computer readable code for determining 230 a readiness category for the decision maker, and computer readable code for providing 230 a readiness category rating for the readiness category. Further, the medium recited in claim 16 recites a computer readable code for determining a decision process for the readiness category and readiness category rating, computer readable code for conducting 260 a project assessment as a function of the decision process, and computer readable code for determining 270 a project readiness as a function of the project assessments. (FIG. 2). See also, pages 6 line 4- page 12 line 14 of the specification.

Dependent Claim 17

Claim 17 recites the elements of claim 16, as well as computer readable code for assigning 240 vote weighting to the decision maker. (FIG. 2). See also, pages 6 line 4- page 12 line 14 of the specification.

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Frye* in view of *Helzerman*.

7. ARGUMENTS

Claims 1-22. Claims 1-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Frye* in view of *Helzerman*. The rejection of claims 1-22 is traversed.

To warrant this §103(a) rejection of pending claims 1-22, *Frye* in view of *Helzerman* must teach or suggest each and every limitation of claims 1-22 in as complete detail as is contained in claims 1-22. See, MPEP §2131. *Frye* in view of *Helzerman* does not teach, and in fact, teaches away from the claimed terms “determining a readiness category for the decision maker” and “providing a readiness category rating for the readiness category” as recited in claims 1, 9, and 16.

The Examiner has correctly withdrawn the anticipation rejection over *Frye*, but erroneously applies *Helzerman* in a failed attempt to save the rejection. *Helzerman* does not cure the defects of *Frye*.

Specifically, the Examiner cites to column 4, lines 22-49 for such a teaching, but no such teaching can be found. At most, *Helzerman* teaches that project leaders and managers next select or identify a ‘lead’ technology group for each identified customer need. The ‘output’ of this step is the assignment for concept proposals development. *Helzerman* does not teach determining a readiness category for the decision maker.

Notably, the readiness category is claimed as for the decision maker, rather than for the project itself. Thus, actual progress of the project is not addressed in this particular claim limitation, and the readiness category is for the decision maker.

With respect to claims 2, 10, and 17, *Frye* in view of *Helzerman* does not teach or suggest “assigning vote weighting to the decision maker.” The Examiner correctly notes the failure of *Frye* to teach such a claim element, but the Examiner’s citation to column 2 lines 48-63 and column 4 lines 41-64 of *Helzerman* is misplaced. *Helzerman* does not disclose the claimed element. At most, *Helzerman* teaches a decision maker, but does not teach or suggest that the decision maker should have vote weighting.

Further, claims 2-8, 10-15, and 17-22 depend directly or indirectly from claims 1, 9, or 16 respectively, and are therefore patentable over the prior art for at least the same reasons.

Withdrawal of the rejection of claims 1-22 under U.S.C. §103(a) is therefore respectfully requested.

In addition, rejections on obviousness grounds cannot be sustained by mere conclusory statements, and there must be some articulated reasoning with some rational underpinning to support the legal conclusions of obviousness. *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. ____ (2007). Here, the Examiner's sole support (i.e. the "articulated reasoning required) is the naked and conclusory statement that "[T]herefore, it would have been obvious to one of ordinary skill in the art at the time invention [sic] was made to modify Frye by incorporating or implementing a quality operating system for developing and conducting concept feasibility and ready phases for a desired product to ensure that the manufacturing project is completed in a timely and efficient manner." Such a conclusory statement cannot be said to meet the Examiner's duty, and therefore these rejections must be withdrawn.

SUMMARY

The Appellants respectfully request maintenance of their appeal, and submit that claims 1-22 fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested.

Dated: **July 18, 2007**

Respectfully submitted,
CARL P. GUSLER, *et al.*

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10. APPENDIX

1. A method for automated project accountability comprising:
determining at least one decision maker of a project preparation;
determining a readiness category for the decision maker;
providing a readiness category rating for the readiness category;
determining a decision process for the readiness category and readiness
category rating;
conducting a project assessment as a function of the decision process; and
determining a project readiness as a function of the project assessments.
2. The method of claim 1 further comprising:
assigning vote weighting to the decision maker.
3. The method of claim 1 further comprising:
changing a project management application graphical interface, as a func-
tion of the project assessment.
4. The method of claim 1 further comprising:
assigning a time limit in association with the project assessment and the
project readiness.
5. The method of claim 1 further comprising:
providing a collaborative environment for the decision maker.
6. The method of claim 5 wherein the collaborative discussion mechanism
is invoked for determining the readiness category, determining the decision process,
conducting the project assessment, and determining the project readiness.

7. The method of claim 1 wherein the determination of at least one decision maker further comprises:

- providing project information from a project creator;
- accessing a data repository;
- retrieving a list from the data repository;
- selecting a project decision maker as a function of the project information

and list; and

selecting at least one contributing decision maker as a function of the project information, list, and project decision maker.

8. The method of claim 7 further comprising:

- providing technical information from the project creator; and
- providing security information from the project creator.

9. A system for automated project accountability comprising:

means for determining at least one decision maker of a project preparation;

means for determining a readiness category for the decision maker;

means for providing a readiness category rating for the readiness category;

means for determining a decision process for the readiness category and readiness category rating;

means for conducting a project assessment as a function of the decision process; and

means for determining a project readiness as a function of the project assessments.

10. The system of claim 9 further comprising:
means for assigning vote weighting to the decision maker.
11. The system of claim 9 further comprising:
means for changing a project management application graphical interface,
as a function of the project assessment.
12. The system of claim 9 further comprising:
means for assigning a time limit in association with the project assessment and the project readiness.
13. The system of claim 9 further comprising:
means for providing a collaborative environment for the decision maker.
14. The system of claim 9 wherein the means for determination of at least one decision maker further comprises:
means for providing project information from a project creator;
means for accessing a data repository;
means for retrieving a list from the data repository;
means for selecting a project decision maker as a function of the project information and list; and
means for selecting at least one contributing decision maker as a function of the project information, list, and project decision maker.
15. The system of claim 14 further comprising:
means for providing technical information from the project creator; and
means for providing security information from the project creator.

16. A computer readable medium storing a computer program comprising:
computer readable code for determining at least one decision maker of a project preparation;
computer readable code for determining a readiness category for the decision maker;
computer readable code for providing a readiness category rating for the readiness category;
computer readable code for determining a decision process for the readiness category and readiness category rating;
computer readable code for conducting a project assessment as a function of the decision process; and
computer readable code for determining a project readiness as a function of the project assessments.

17. The computer readable medium of claim 16 further comprising:
means for assigning vote weighting to the decision maker.

18. The computer readable medium of claim 16 further comprising:
computer readable code for changing a project management application graphical interface, as a function of the project assessment.

19. The computer readable medium of claim 16 further comprising:
computer readable code for assigning a time limit in association with the project assessment and the project readiness.

20. The computer readable medium of claim 16 further comprising:
computer readable code for providing a collaborative environment for the
decision maker.

21. The computer readable medium of claim 16 wherein the computer readable code for determination of at least one decision maker further comprises:
computer readable code for providing project information from a project
creator;
computer readable code for accessing a data repository;
computer readable code for retrieving a list from the data repository;
computer readable code for selecting a project decision maker as a function of the project information and list; and
computer readable code for selecting at least one contributing decision maker as a function of the project information, list, and project decision maker.

22. The computer readable medium of claim 21 further comprising:
computer readable code for providing technical information from the
project creator; and
computer readable code for providing security information from the
project creator.

Evidence Appendix

None

Related Proceedings Appendix

None